

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

RECEIVED
MAY 29 1992

Federal Communications Commission
Office of the Secretary
ORIGINAL
FILE

In re Applications of)	MM Docket No. <u>92-62</u>
CRYSTAL CLEAR COMMUNICATIONS, INC.)	File No. BPH-901214MA
THE RADIO MINISTRIES BOARD OF)	
VICTORY CHRISTIAN CENTER)	
ASSEMBLY OF GOD, INC.)	File No. BPH-901217MJ
For a Construction Permit for)	
a new FM Station on Channel 240A)	
Seelyville, Indiana)	

To: Administrative Law Judge John Frysiak

PETITION FOR LEAVE TO AMEND

The Radio Ministries Board of Victory Christian Center Assembly of God, Inc. (the "Radio Board"), by counsel, and pursuant to Section 73.3522(b) of the rules, hereby petitions for leave to amend its above-referenced application to specify a new transmitter site. In support of this petition, the following is stated:

Preliminary Statement

In the Hearing Designation Order released April 13, 1992,¹ an air hazard issue was specified against the Radio Board in light of the fact that the Federal Aviation Administration ("FAA") had not yet issued a determination as to whether the Radio Board's proposed antenna would constitute a hazard to air navigation. As discussed further below, the FAA recently advised

¹ DA 92-361.

No. of Copies rec'd 076
List A B C D E

2.

the Radio Board that unless it modifies its proposal, the FAA will issue a determination of hazard. The attached amendment (Attachment A hereto), which proposes to locate the Radio Board's antenna at a new transmitter site, on an existing tower which already has received FAA approval, addresses that issue.

The "good cause" test for acceptance of post-designation amendments requires the applicant to demonstrate the amendment (a) is filed with due diligence; (b) is not voluntary; (c) does not require addition of new issues or parties; (d) will not disrupt the hearing or necessitate an additional hearing; (e) will not unfairly prejudice the other parties or (f) will not confer a comparative advantage on the applicant. See Erwin O'Conner Broadcasting Co., 22 FCC 2d 140, 143 (Rev. Bd. 1970). Additionally, Section 73.3522(b) requires that engineering amendments not be necessitated by events that were reasonably foreseeable.

Good Cause for Acceptance

Due Diligence. At the time it prepared its FCC application, the Radio Board also filed a notice of construction with the FAA. The FAA thereafter issued an acknowledgement of notice of proposed construction, noting that its preliminary review had indicated the proposed construction would exceed Part 77 obstruction standards and that further study would be necessary to determine whether it would constitute a hazard to air navigation. See Attachment B hereto. The Radio Board, through its consulting engineer, timely requested circularization. See Attachment C hereto.

During FAA circulation, concerns were raised about the flight approach to Sky King Airport, located about four miles from Radio Board's proposed tower. Through telephone conversations with FAA personnel, the Radio Board's consulting engineer attempted to work out those concerns informally, including discussing the possibility of the airport adopting a "stepped" approach to avoid hazard concerns. However, in a letter dated April 29, 1992, the FAA advised the Radio Board that its concerns could not be allayed without modification of the Radio Board's tower proposal. See Attachment D hereto. After consultations with its engineer, the Radio Board determined that the most prudent and viable course of action would be to specify a new transmitter site and it immediately began searching for a suitable site. Its search was successful, resulting in locating space on an existing tower owned by Michael S. Rice. The attached amendment specifies a new technical proposal based upon that new transmitter site.

This amendment is diligently filed. The Radio Board did not even wait for issuance of a formal FAA determination of hazard before proceeding to locate a new site. Rather, it is filing this amendment within 30 days of the date of the FAA letter advising the Radio Board that a determination of hazard would be issued unless the Radio Board's proposal were changed. Thus, Radio Board has acted with due diligence.

Not Voluntary. The Radio Board is specifying a new site because the FAA has advised that its current technical proposal

4.

will be found to be an air hazard. Thus, amendment of the Radio Board's technical proposal is not voluntary.

No New Issues or Parties. Acceptance of the amendment will not require the addition of new issues but, in fact, will lead to resolution of the air hazard issue now pending against the Radio Board.² No new parties will be required due to acceptance of this amendment.

No Disruption to Hearing. Acceptance of this amendment will not disrupt the hearing or require any additional hearing.

No Unfair Prejudice or Comparative Advantage. Acceptance of the amendment will not unfairly prejudice Crystal Clear Communications, Inc., the sole competitor for the Seelyville station,³ nor will the Radio Board obtain any comparative advantage from its acceptance. The overall coverage from the new proposal is less than that of the original proposal, and the Radio Board specifically disclaims any comparative advantage from acceptance of the amendment.

Not Reasonably Foreseeable. Until advised by the FAA, in late April 1992, that its proposal would constitute an air hazard, it was not reasonably foreseeable that the technical change would be necessary. The Radio Board then acted diligently to locate a new site.

² The new site already has FAA clearance. Therefore, once this amendment has been accepted, the Radio Board will move for summary decision on the air hazard issue.

³ The Radio Board has moved to dismiss Crystal Clear's application for its failure to timely file its notice of appearance.

5.

WHEREFORE, In light of the foregoing, this Petition for Leave to Amend should be GRANTED, and the attached amendment ACCEPTED.

Respectfully submitted,

THE RADIO MINISTRIES BOARD
OF VICTORY CHRISTIAN CENTER
ASSEMBLY OF GOD, INC.

By Harry C. Martin
Harry C. Martin *by CH*

By Cheryl A. Kenny
Cheryl A. Kenny
Its Counsel

Reddy, Begley & Martin
1001 22nd Street, N.W.
Suite 350
Washington, D.C. 20037

May 29, 1992

ATTACHMENT A

Amendment

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

For COMMISSION Fee Use Only	FEE NO:	For APPLICANT Fee Use Only Is a fee submitted with this application? <input type="checkbox"/> Yes <input type="checkbox"/> No If fee exempt (see 47 C.F.R. Section 1.1112), indicate reason therefor (check one box): <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	FEE TYPE:	
	FEE AMT:	
	ID SEQ:	FOR COMMISSION USE ONLY FILE NO.

Section I - GENERAL INFORMATION

1. Name of Applicant The Radio Ministries Board of Victory Christian Center Assembly of God, Inc.			Send notices and communications to the following person at the address below:		
Street Address or P.O. Box 9400 Wabash Avenue			Name Pastor Larry D. Richmond, at address opposite cc: Reddy, Begley & Martin		
City Terre Haute			Street Address or P.O. Box 1001 22nd Street, N.W., Suite 350		
State IN			City Washington		
ZIP Code 47803			State D.C.		
Telephone No. (Include Area Code) (812) 877-1502			ZIP Code 20037		
Telephone No. (Include Area Code) (812) 877-1502			Telephone No. (Include Area Code) (202) 659-5700		

2. This application is for: ☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency 240	(b) Principal Community Seelyville	City Seelyville	State IN
-------------------------------------	---------------------------------------	--------------------	-------------

(c) Check one of the following boxes:

☐ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: _____

☐ MINOR change in licensed facilities; call sign: _____

☐ MAJOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☐ MINOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☒ AMENDMENT to pending application; Application file number: _____ BPH-901217MJ

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application? ☐ Yes ☒ No

If Yes, state:	Call letters	Community of License	
		City	State

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

~~1. Does the applicant propose to employ five or more full-time employees?~~
~~NO CHANGE~~

☐ Yes ☐ No

~~If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 895-A).~~

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.8560?

☒ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes ☐ No

Exhibit No.

If No, attach as an Exhibit, a full explanation.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted

Michael S. Rice

Telephone No. (include area code)

314-928-6569

Person contacted: (check one box below)

☒ Owner

☐ Owner's Agent

☐ Other (specify)

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.


The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.55, the APPLICANT has a continuing obligation to advise the Commission through amendments, of any substantial and significant changes in information furnished.

SECTION VII - CERTIFICATION (Page 6)

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant The Radio Ministries Board of Victory Christian Center Assembly of God, Inc.	Signature 
Date May 28, 1992	Title Pastor Larry D. Richmond, Chairman

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 71 hours 45 minutes to 301 hours 30 minutes with an average of 118 hours 28 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3607.

ORIGINAL

D.L. Markley & Associates, Inc.

Consulting Engineers

AMENDMENT TO APPLICATION
FOR CONSTRUCTION PERMIT

THE RADIO BOARD OF THE
VICTORY CHRISTIAN CENTER
ASSEMBLY OF GOD, INC.

SEELYVILLE, INDIANA

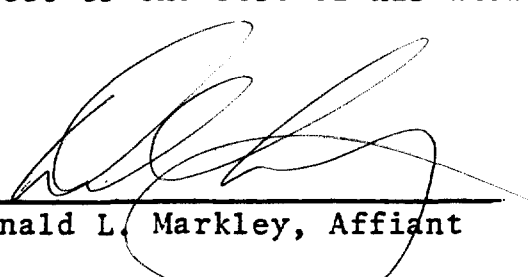
CHANNEL 240A

MAY, 1992

State of Illinois)
)ss
County of Peoria)

Donald L. Markley, being first duly sworn, deposes
and says that he is a Consulting Engineer and that he has
been retained by The Radio Board of the Victory
Christian Center Assembly of God, Inc.

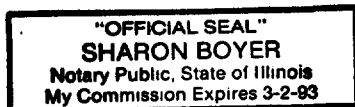
to prepare the following engineering exhibits, that he is
a Registered Professional Engineer in Illinois by examin-
ation, that he holds the degrees of Bachelor of Science in
Electrical Engineering and Master of Science in Electrical
Engineering, that his qualifications have been accepted by
the Federal Communications Commission, that the following
exhibits have been prepared by him or under his direction
and that they are true and correct to the best of his know-
ledge and belief.


Donald L. Markley, Affiant

Subscribed and sworn to before me this 21st Day of May 19 92.


Notary Public

My commission expires:



AMENDMENT TO APPLICATION FOR CONSTRUCTION PERMIT

The following engineering statement and attached exhibits have been prepared for The Radio Board of the Victory Christian Center Assembly of God, Inc. and are in support of their amendment to an application for construction permit for a new FM station at Seelyville, Indiana (File No. BPH-901217MJ).

It has been determined that the site shown in the existing application would not be acceptable to the Federal Aviation Administration. The applicant was advised of this by the FAA by letter on April 29, 1992. A copy of that letter is attached. In the letter, the FAA indicated that they would issue a formal determination of hazard unless the applicant modifies its proposal.

A tower was located which was existing and authorized by the FAA and is currently occupied by two other FM broadcast stations. The tower would be short-spaced to an existing FM station at Effingham, Illinois. The amount of short-spacing is less than five miles. Section 73.215 of the Commission's Rules and Regulations would permit that site to be used through the use of a directional antenna

- 2 -

system. It is noted that the short-spacing to Franklin, Indiana, which was originally a problem, no longer would be a problem.

This application seeks to modify the original application by changing the location of the proposed site and by changing the directional antenna which was originally proposed . The effective radiated power remains at a maximum of 6.0 KW. circularly polarized and it is still the applicant's intent to provide standby power generating capability at both the transmitter and the studio to ensure the station's ability to remain on-the-air during periods of severe weather or national emergency.

Section V-B - FM BROADCAST ENGINEERING DATA	FOR COMMISSION USE ONLY File No. _____ ASB Referral Date _____ Referred by _____
--	--

Name of Applicant

The Radio Board of the Victory Christian Center Assembly of God, Inc.

Call letters (if issued)	Is this application being filed in response to a window? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, specify closing date: <u>December 14, 1990</u>
--------------------------	--

Purpose of Application: (check appropriate boxes)

- | | |
|--|---|
| Amendment to existing Application for Construction Permit | |
| <input checked="" type="checkbox"/> Construct a new (main) facility | <input type="checkbox"/> Construct a new auxiliary facility |
| <input type="checkbox"/> Modify existing construction permit for main facility | <input type="checkbox"/> Modify existing construction permit for auxiliary facility |
| <input type="checkbox"/> Modify licensed main facility | <input type="checkbox"/> Modify licensed auxiliary facility |

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

- | | |
|---|--|
| <input type="checkbox"/> Antenna supporting-structure height | <input type="checkbox"/> Effective radiated power |
| <input type="checkbox"/> Antenna height above average terrain | <input type="checkbox"/> Frequency |
| <input type="checkbox"/> Antenna location | <input type="checkbox"/> Class |
| <input type="checkbox"/> Main Studio location | <input type="checkbox"/> Other (Summarize briefly) |

File Number(s) RPH-901217MJ

1. Allocation:

Channel No.	Principal community to be served:			Class (check only one box below)
	City	County	State	
240	Seelyville	Vigo	IN	<input checked="" type="checkbox"/> A <input type="checkbox"/> B1 <input type="checkbox"/> B <input type="checkbox"/> C3 <input type="checkbox"/> C2 <input type="checkbox"/> C1 <input type="checkbox"/> C

2. Exact location of antenna.

- (a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark. 0.5 km. East of U.S. Rt. 150 on Fairview Road, Terre Haute; Vigo County, Indiana
- (b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude ° ' " <div style="display: flex; justify-content: space-around; width: 100%;"> 39 30 14 </div>	Longitude ° ' " <div style="display: flex; justify-content: space-around; width: 100%;"> 87 26 37 </div>
---	--

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☒ Yes ☐ No

If Yes, give call letter(s) or file number(s) or both. WZZQ(FM), WCRT(FM) BLH-840709BK

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

DNA

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list old coordinates.

Latitude	0	'	"	Longitude	0	'	"
----------	---	---	---	-----------	---	---	---

5. Has the FAA been notified of the proposed construction?

☐ Yes ☒ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No.
DNA

Date _____ Office where filed _____

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	NONE		
(b)			

7. (a) Elevation: (to the nearest meter)

(1) of site above mean sea level; 171 meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 210 meters

(3) of the top of supporting structure above mean sea level [(a)(1) + (a)(2)] 381 meters

(b) Height of radiation center: (to the nearest meter) H - Horizontal; V - Vertical

(1) above ground 93 meters (H)

93 meters (V)

(2) above mean sea level [(a)(1) + (b)(1)] 264 meters (H)

264 meters (V)

(3) above average terrain 100 meters (H)

100 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.
E-1

9. Effective Radiated Power:

(a) ERP in the horizontal plane

6 kw (H*) 6 kw (V*)

(b) Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No.
DNA

DNA kw (H*) DNA kw (V*)

*Polarization

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 3)

10. Is a directional antenna proposed?

☒ Yes ☐ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field.

Exhibit No.
E-2

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)?

☒ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 316 mV/m service.

Exhibit No.
DNA

12. Will the main studio be within the protected 316 mV/m field strength contour of this proposal?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.
DNA

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?

☐ Yes ☒ No

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.216 apply?

☐ Yes ☒ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.
DNA

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.
E-3

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.
E-4

- (1) Protected and interfering contours, in all directions (360), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibit(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (except citizens band or amateur) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☒ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.)

Exhibit No.
E-5

15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V (D). The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.
E-6

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
E-7

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 816 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 259 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 2228.6 sq. km. Population 139,684

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
DNA

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)*

☒ Linearly interpolated 30-second database ☐ 7.5 minute topographic map

(Source: NGDC)

☐ Other *(briefly summarize)*

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances	
		To the 316 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
094.5*	103.0	16.4	28.9
0	91.4	15.5	27.4
45	110.0	17.0	29.7
90	103.1	16.4	28.9
135	108.1	16.8	29.5
180	122.5	17.0	29.8
225	105.7	11.6	20.6
270	86.0	11.5	20.4
315	73.4	13.9	24.7

*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

20. Environmental Statement/See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact? ☐ Yes ☒ No

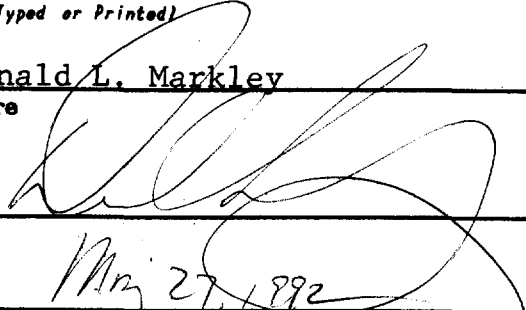
If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311.

Exhibit No.
DNA

If No, explain briefly why not. See attached non-ionizing radiation statement and calculations.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) Donald L. Markley	Relationship to Applicant (e.g., Consulting Engineer) Consulting Engineer
Signature 	Address (Include ZIP Code) D.L. Markley & Associates, Inc. 2104 West Moss Peoria, Illinois 61604
Date May 27, 1992	Telephone No. (Include Area Code) (309) 673-7511

April 29, 1992

The Radio Board of the
Victory Christian Center
Assembly of God, Inc.
9400 Wabash Avenue
Terre Haute, IN 47803

‡ Donald L. Markley
D.L. Markley & Associates, Inc.
Consulting Engineers
2104 West Moss
Peoria, IL 61604

REF: Aeronautical Study No. 90-AGL-2260-OE

Dear Mr. Markley:

Aeronautical study of the proposal to construct a
327'AGL/897'AMSL antenna tower in the vicinity of East Glen,
Indiana has been completed.

The proposed structure would be located approximately 3.22
nautical miles north of the Hulman Regional Airport, also 3.89
nautical miles southeast of Sky King Airport, Terre Haute, IN.
It would exceed the obstruction standards of the Federal Aviation
Regulations, Part 77 as follows:

Section 77.23(a)(3) by 170 ft. - a height that increases a
minimum instrument flight altitude within a terminal area
(TERPS criteria) for Sky King Airport.

The formal study, which you requested, included circularization
of the proposal for public aeronautical comment by letter dated
March 11, 1992. Three letters of objection were received as a
result of the circular. The Indiana Department of
Transportation, Hulman Regional Airport and Brown Flying School,
Inc. of Sky King Airport were the respondents. They objected on
the basis of an increase in minimum descent altitude on the
approach to Sky King Airport at Terre Haute, IN. which would
adversely effect instrument flight rules (IFR) traffic into the
airport.

The proposal would necessitate the following standard instrument
approach procedures (SIAP) revisions/changes at Sky King Airport,
Terre Haute, Indiana.

Increase the VOR-A circling SIAP MDA for category aircraft
(CAT) A, and B from 1040' AMSL to 1200' AMSL.

The MDA is the minimum altitude to which an aircraft may descend while on the approach to the airport during periods when reduced visibility and/or a low cloud ceiling condition exists. If the pilot cannot achieve visual reference to the ground upon reaching the MDA, the approach must be abandoned. This results in the aircraft having to proceed to an alternate airport or waiting for improved weather conditions.

Study revealed that the Sky King Airport in fiscal year 1990 had 165 (general aviation) utilize the instrument approach procedures under actual instrument weather conditions. This represents a substantial number of aircraft that could be adversely affected. Any increase to an existing MDA to accommodate the proposal would severely impact and reduce the utility of the airport.

Aeronautical study for IFR effect at the Sky King Airport disclosed substantial adverse effect upon IFR operations and procedures. Any increase in MDA's to accommodate the proposed structure would have a significant adverse effect on category A and B aircraft executing VOR-A circling approaches to all runways at Sky King Airport, Terre Haute, Indiana. It was determined that it was not possible to modify the approach to accommodate the proposal, and this is the only approach at this airport.

The administrative procedures of Federal Aviation Regulations, Part 77 require that we issue a formal Determination of Hazard or No Hazard to Air Navigation following the conclusion of the study. The proposal's substantial adverse effect warrants a Determination of Hazard to Air Navigation. Alternatives include reducing the proposed structure to 157'AGL/727'AMSL, relocation to a new site, or withdrawing the proposal. Because airspace determinations are disseminated widely, we shall withhold final processing of this aeronautical study until you have had time to review and reconsider all the pertinent facts regarding your proposal and to reply to this information. If we do not hear from you in writing regarding this matter by May 27, 1992, we will proceed with final action.

If you have any questions, please contact our office at (312) 694-7569.

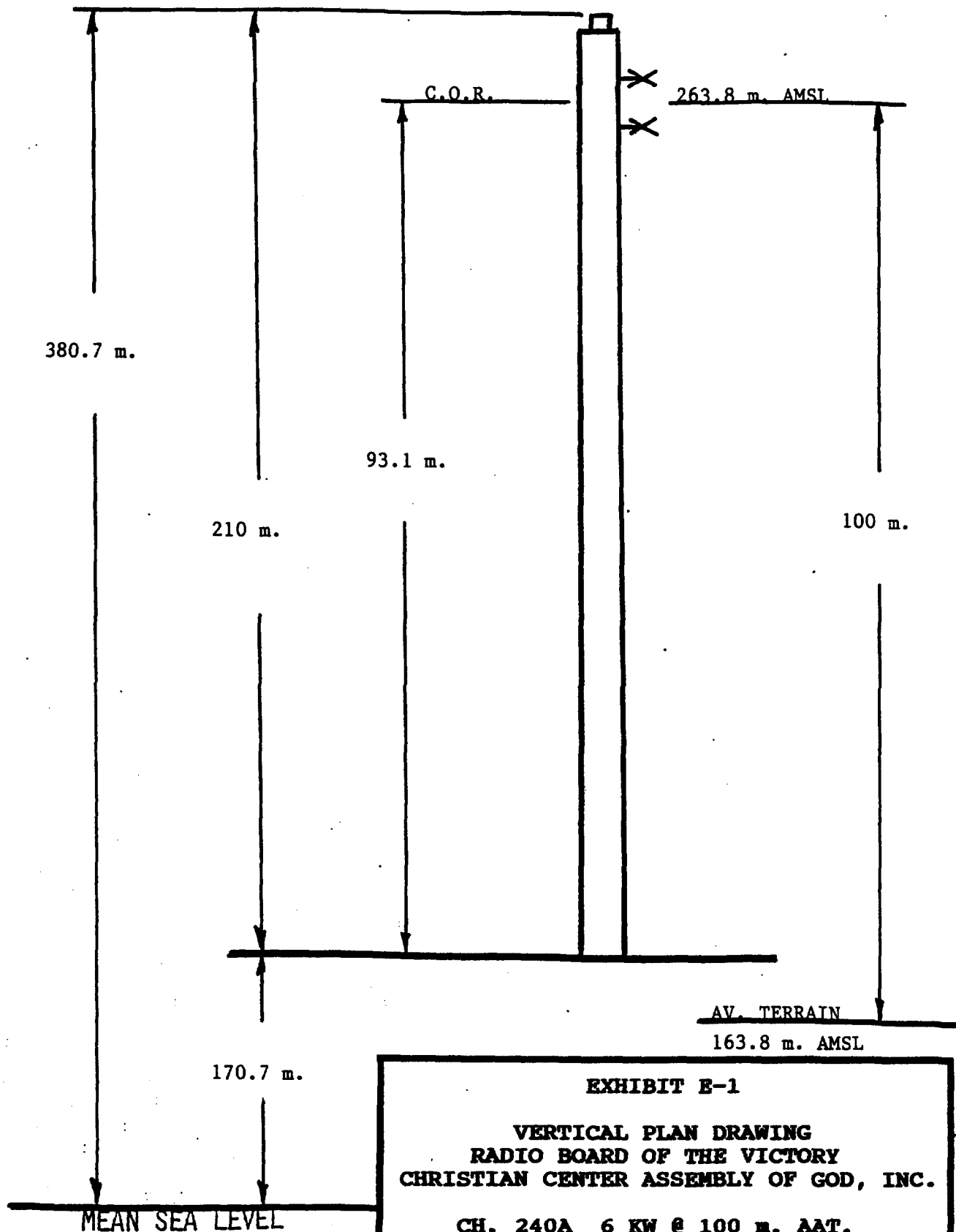
Sincerely,

Original signed by:
RICHARD N. KOCH

Douglas F. Powers,
Manager, System Management Branch, AGL-530

cc: AGL-531.5 (wo/enclosures)
AGL-531 (rf)(wo/enclosures)

AGL-531.5:RKoch:rk:x7569:04/28/92:OE90\90-2260A.PRE

D. L. Markley & Associates, Inc.**Consulting Engineers****EXHIBIT E-1**

**VERTICAL PLAN DRAWING
RADIO BOARD OF THE VICTORY
CHRISTIAN CENTER ASSEMBLY OF GOD, INC.**

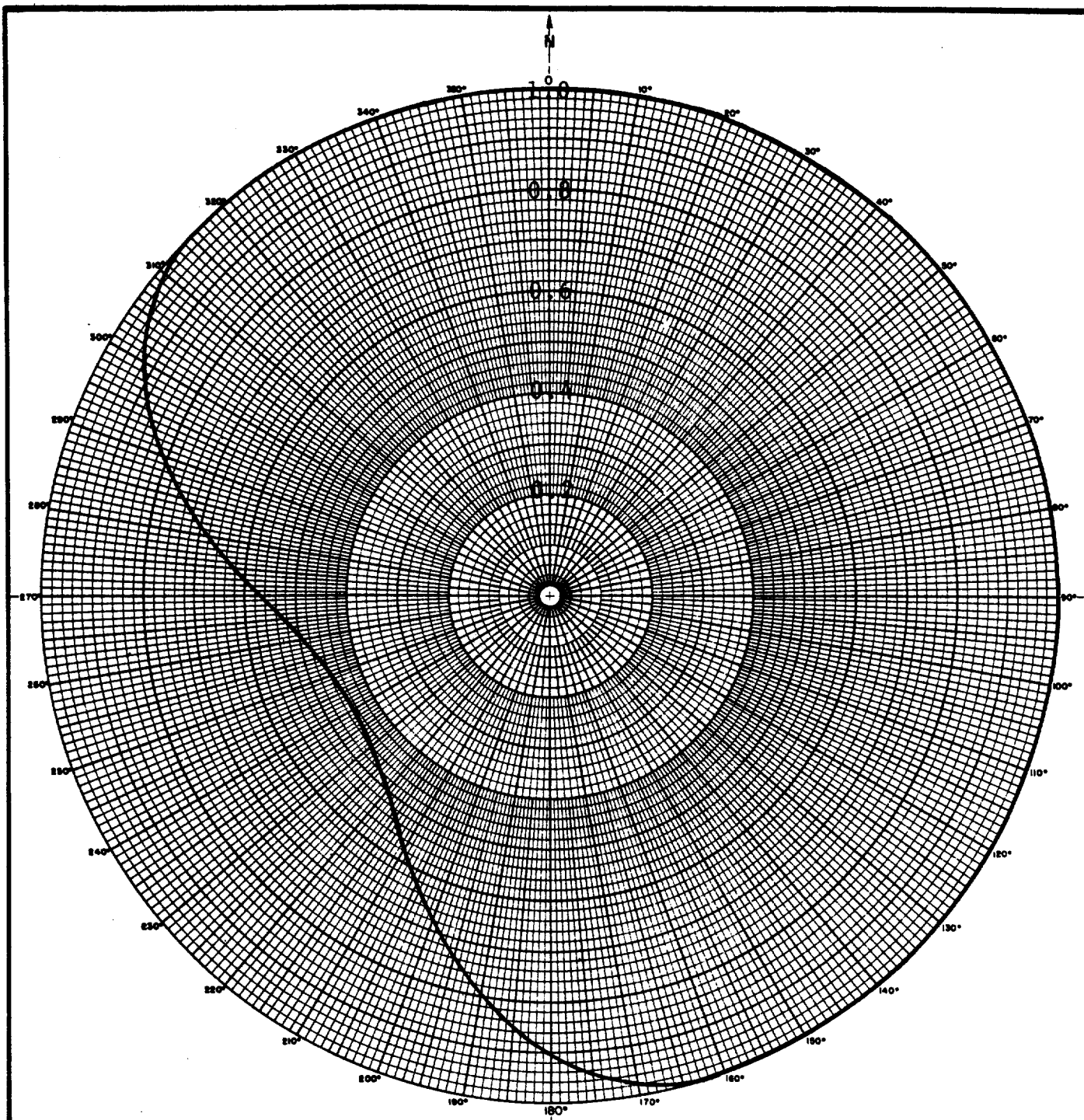
**CH. 240A 6 KW @ 100 m. AAT.
Seelyville, Indiana
May, 1992**

EXHIBIT E-2

This exhibit contains the data required by Sec. 73.316 of the Commission's Rules and Regulations for directional antennas. In particular, horizontal and vertical plane patterns are included as is a tabulation of the horizontal plane data.

A statement is attached which further demonstrates full compliance with the Commission's requirements regarding the manner in which the antenna will be mounted on the tower. It should be noted that the patterns shown are all "envelope" patterns which show the limits on the radiation proposed in each direction. These "envelope" patterns demonstrate the maximum radiation for either the horizontally or vertically polarized components. The actual antenna will be adjusted to as close to the pattern shown as practical without exceeding the limits shown at any azimuth for either polarity.

It should be noted that the rate of change in the propose maximum radiation values does not exceed 2.0 dB/decade and that the maximum to minimum pattern values are less than 15 dB.



HORIZONTAL RADIATION PATTERN

HORIZONTAL PLANE PATTERN OF RELATIVE FIELD
ENVELOPE ENCLOSSES MAXIMUM RADIATION VALUES
AT ANY AZIMUTH FOR EITHER THE HORIZONTALLY
OR VERTICALLY POLARIZED COMPONENTS.

RATE OF CHANGE DOES NOT EXCEED 2 dB/DECADE.

APPLICANT : Victory/Seelyville

LOCATION : Seelyville, IN

FREQUENCY : KC/8 FM Ch. 240A

POWER : 6 KW

LATITUDE : 39 DEG. 30 MIN. 14 SEC.

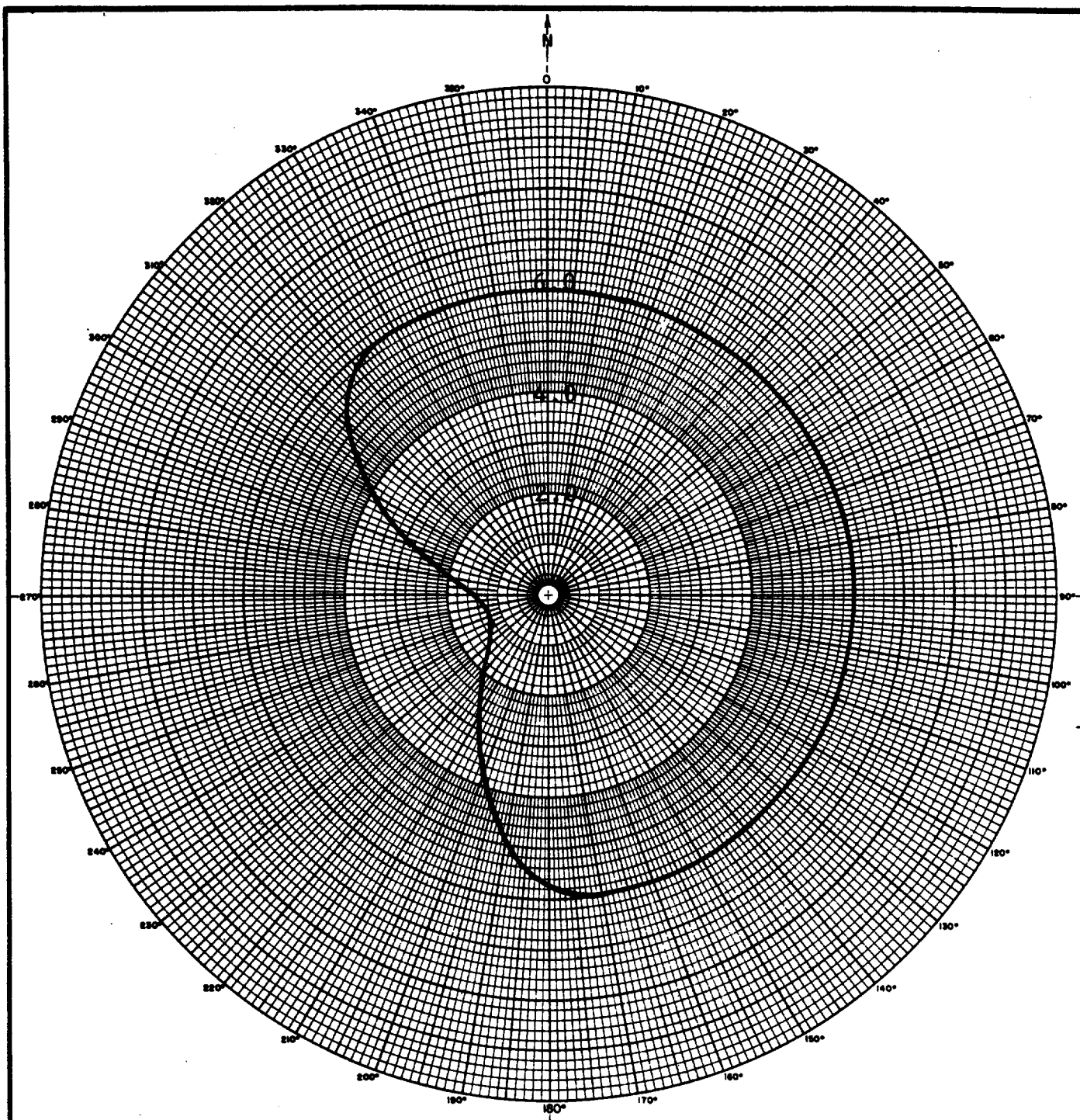
LONGITUDE : 87 DEG. 26 MIN. 37 SEC.

WHEN USED : U

R.M.S. FIELD:

DATE : 5/26/92

D. L. MARKLEY & ASSOC., INC.
Consulting Engineers



HORIZONTAL RADIATION PATTERN

HORIZONTAL PLANE PATTERN OF
EFFECTIVE RADIATED POWER.

APPLICANT :	Victory
LOCATION :	Seelyville, IN
FREQUENCY :	KG/ FM Ch. 240A
POWER :	6 KW
LATITUDE :	39 DEG. 30 MIN. 14 SEC.
LONGITUDE :	87 DEG. 26 MIN. 37 SEC.
WHEN USED :	U
R.M.S. FIELD:	
DATE :	5/26/92

D. L. MARKLEY & ASSOC., INC.
Consulting Engineers

Proposed FM Directional Antenna System

Azimuth	Erel	Prel	ERP(kw)	ERP(dBk)
000	1.000	1.000	6.000	7.782
010	1.000	1.000	6.000	7.782
020	1.000	1.000	6.000	7.782
030	1.000	1.000	6.000	7.782
040	1.000	1.000	6.000	7.782
050	1.000	1.000	6.000	7.782
060	1.000	1.000	6.000	7.782
070	1.000	1.000	6.000	7.782
080	1.000	1.000	6.000	7.782
090	1.000	1.000	6.000	7.782
100	1.000	1.000	6.000	7.782
110	1.000	1.000	6.000	7.782
120	1.000	1.000	6.000	7.782
130	1.000	1.000	6.000	7.782
140	1.000	1.000	6.000	7.782
150	1.000	1.000	6.000	7.782
160	1.000	1.000	6.000	7.782
170	.978	0.956	5.739	7.588
180	.903	0.815	4.892	6.895
190	.795	0.632	3.792	5.789
200	.680	0.462	2.774	4.432
210	.580	0.336	2.018	3.050
220	.500	0.250	1.500	1.761
230	.460	0.212	1.270	1.037
240	.450	0.203	1.215	0.846
250	.458	0.210	1.259	0.999
260	.495	0.245	1.470	1.674
270	.575	0.331	1.984	2.975
280	.695	0.483	2.898	4.621
290	.812	0.659	3.956	5.973
300	.920	0.846	5.078	7.057
310	.987	0.974	5.845	7.668
320	1.000	1.000	6.000	7.782
330	1.000	1.000	6.000	7.782
340	1.000	1.000	6.000	7.782
350	1.000	1.000	6.000	7.782
Pattern RMS :		0.892		
Horizontal Gain:		1.122		